

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

Present

Mayor Michael Levine
Trustee Thomas Gulbransen
Trustee Jeffrey Owen
Trustee Ted Rosenberg
Trustee Stephen Shybunko
Village Attorney Anthony Guardino
Village Clerk Dale Salzberg
Village Treasurer Andrea Brosnan
Chief William McGuire

Residents Present

Douglas Casimir	Bruce Feller	Marianne Feller
Debra Masino	Richard Masino	Susan Nalewajk
Don Pius	Edward Scher	Margaret Sobel

Mayor Levine opened the Public Hearing on Proposed Local Laws No. 6 and 7 of 2009 at 7:05 p.m.

**PROPOSED LOCAL LAW NO. 10 OF 2009
IMPOSING A MORATORIUM ON THE
CONSTRUCTION AND INSTALLATION OF WIND
ENERGY CONVERSION SYSTEMS ("WECS")
WITHIN THE INCORPORATED VILLAGE OF OLD
FIELD**

Be it enacted by the Board of Trustees of the Incorporated Village of Old Field as follows:

Section 1. Legislative findings and intent.

The Board of Trustees of the Incorporated Village of Old Field ("Board of Trustees") hereby finds that there is a critical and compelling need, in the public interest, to impose a moratorium on the construction and installation of Wind Energy Conversion Systems (hereinafter "WECS") located within the borders of the Village of Old Field for the following reasons:

- A. The Board of Trustees finds that Village of Old Field is an attractive place to live or visit due to its pristine environmental conditions and high quality of scenic vistas, unobstructed wildlife habitats, tidal marsh and coastal landscapes.

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

- B. The Board of Trustees finds that, due to a growing interest in harnessing wind energy for conversion to electrical or mechanical power, and given the Village's unique location along the shores of the Long Island Sound, the Village now requires an understanding of the individual and cumulative impacts of WECS that are likely to be proposed on properties in the Village.
- C. The Board of Trustees hereby finds that the construction and installation of WECS on properties in the Village may become haphazard, without a common plan or scheme, and without appropriate controls.
- D. The Board of Trustees further finds that without proper study and evaluation, the construction and installation of WECS may have deleterious effects on the properties on which they are located, as well as on adjacent properties, and may negatively impact the community as a whole.
- E. The Board of Trustees finds that the growing interest in WECS requires that the Board of Trustees undertake, without delay, a comprehensive review of the Village's existing zoning regulations to determine whether they sufficiently regulate and control the construction and installation of WECS and protect and promote public health, safety and welfare.
- F. The Board of Trustees finds that, following said comprehensive review of the Village's existing zoning regulations, consideration must be given to the adoption of implementing regulations which will regulate and control the construction and installation of WECS on properties in the Village.
- G. The Board of Trustees finds that the imposition of a moratorium on the construction and installation of WECS on properties in the Village is the most appropriate measure to enable the Board of Trustees to conduct a thorough review of the recent trends, factors and developments in the use of WECS, their likely net energy conversion yield and their impact on present and future land uses.
- H. It is the intent of the Board of Trustees, following the adoption of this local law and land use review and study, to adopt appropriate amendments to the Village Code as indicated by such comprehensive review.
- I. The purpose of this local law is to maintain the *status quo* during the moratorium period in order to prevent interim construction and installation of WECS from frustrating the objectives of the study.

Section 2. Definitions.

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

WIND ENERGY CONVERSION SYSTEM (WECS) - A mechanism, including all appurtenances thereto, designed or operated for the purpose of converting the kinetic energy in the wind into electrical or mechanical power.

Section 3. Scope of moratorium.

- A. Area Boundaries: This local law shall apply to all lands located within the boundaries of the Incorporated Village of Old Field.
- B. Moratorium on the issuance of building permits and other actions: No building permit application shall be accepted, and no pending building permit application shall be processed or approved, and no suspended or revoked building permit shall be reinstated for the construction and installation of any WECS proposed in the Village of Old Field, except in accordance with this local law.
- C. Moratorium on actions by the Board of Trustees, Site Plan Review Board, Planning Board and Zoning Board of Appeals: The Board of Trustees, Site Plan Review Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear or approve any new or pending site plan, subdivision, special permit, variance or other land use application or building permit which relates to the construction and installation of any WECS proposed in the Village of Old Field, except in accordance with this local law.

Section 4. Hardship review.

- A. Upon a showing of severe hardship, the Board of Trustees may grant relief from the moratorium imposed in Section 3 hereof if it determines, in its absolute discretion, that granting such relief is consistent with the health, safety and general welfare of the inhabitants of the Village and their property and in harmony with the spirit and purposes of this local law.
- B. Upon receipt of a written application for relief from the moratorium, the Board of Trustees shall hold a public hearing on said application and, thereafter, act to either grant or deny the application.

Section 5. Exemption.

The moratorium imposed by this local law shall not apply to the restoration or replacement of any WECS or portion thereof which shall have been damaged or destroyed by fire or other casualty. This exemption, however, shall not be applicable to the restoration

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009

NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

or replacement of any WECS which, prior to the effective date of this local law, shall have constituted a non-conforming structure under the Village Code.

Section 6. Expiration of moratorium.

This local law shall expire without further action of the Board of Trustees six (6) months following the effective date hereof and thereafter shall be of no force or effect. However, if it appears that the comprehensive review and study referred to hereinabove will not be completed prior to the expiration of this moratorium, the Board of Trustees may, by local law, extend the period of this moratorium for an additional six (6) months.

Section 7. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (30) this local law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 8. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective date.

This local law shall become effective immediately upon being filed with the Secretary of State.

The Mayor closed the Public Hearing on Proposed Local Laws No. 10-2009 and opened the regular Board of Trustees meeting at 7:20 p.m.

Upon a motion made by of Trustee Rosenberg and seconded by Trustee Shybunko, Proposed Local Law No.10 of 2009 was unanimously approved 5-0 with Trustees Gulbransen, Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion.

PUBLIC EXPRESSION

Susan Nalewajk addressed the Board.
Bruce Feller addressed the Board.
Richard Masino addressed the Board.
Doug Casimir addressed the Board.

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

MINUTES

A motion was made by Trustee Rosenberg and seconded by Mayor Levine to approve the Minutes of the November 10, 2009 meeting. The motion was approved 4-0-1 with Trustees Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion. Trustee Gulbransen abstained from the vote.

TREASURER’S REPORT

A motion was made by Trustee Gulbransen and seconded by Mayor Levine to approve the Treasurer’s Report and payment of warrants for November 2009. The motion was approved 5-0 with Trustees Gulbransen, Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion.

CHIEF CODE ENFORCEMENT OFFICER’S REPORT

As given by Chief McGuire.

ENVIRONMENTAL REPORTS

BUILDING PERMITS

A motion was made by Trustee Rosenberg and seconded by Trustee Shybunko to approve the Building Permit application of **Matthews, 8 Shore Drive**, to install solar panels on the roof of the residence, subject to the approval of the building inspector. The motion was approved 5-0 with Trustees Gulbransen, Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion

COMMISSIONER’S REPORTS

FIRE AND SPECIAL PROJECTS – No report.

PARKS AND BUILDINGS AND STREET TREES

Trustee Owen reported that trees have been planted on the newly refurbished islands at the intersections of Mt.Grey Road and Old Field Road, and Quaker Path and Old Field Road. In addition, the Mayor noted that the plantings were donated by Trustee Owen. The Mayor also stated that Trustee Owen and he would be meeting with residents of Pheasant Run to discuss the (privately funded) pillars that will be erected at the entrance to Old Field.

STREETS AND ROADSIDES

VILLAGE OF OLD FIELD
PUBLIC HEARING ON PROPOSED LOCAL LAWS NO. 10 – 2009 and
BOARD OF TRUSTEES MEETING
TUESDAY, DECEMBER 8, 2009
NEIGHBORHOOD HOUSE, 95 MAIN STREET, SETAUKET

Trustee Rosenberg acknowledged residents concerns and agreed that the Village roads need repair. He reported that the most cost efficient method of repair would be oil and bluestone. The Board will address repaving issues in the near future.

Doug Casimir addressed the Board.
Don Pius addressed the Board.

Mayor Levine noted that heavy rains are creating dangerous conditions toward the end of Old Field Road. The Mayor suggested that additional catch basins need to be installed to correct the drainage.

NEW BUSINESS

The Mayor noted that the abandoned foundation on Dodge Lane continues to create a dangerous condition and suggested that the Village Attorney pursue means to bring the owner of that property into compliance.

Edward Scher addressed the Board.

HOLIDAY GIFT FUND

Mayor Levine reminded residents that the Village Code of Ethics prohibits any holiday gifts to Village staff and employees. Instead, he encouraged residents to contribute to the Village Hall Gift Fund, proceeds of which are distributed to the staff, by mailing a check to the Village of Old Field Holiday Gift Fund, P. O. Box 2724, East Setauket, NY 11733.

UPCOMING VILLAGE EVENTS:

The next regularly scheduled work session of the Board will take place on Thursday, January 7, 2010 at 5:00 p.m. at the Lighthouse.

The next meeting of the Village of Old Field Board of Trustees will take place on Tuesday, January 12, 2010 at 7:00 p.m. at the Neighborhood House.

AJOURNMENT

A motion was made by Trustee Gulbransen and seconded by Mayor Levine to adjourn the regular meeting at 8:35 p.m. The motion was approved 5-0 with Trustees Gulbransen, Owen, Rosenberg and Shybunko and Mayor Levine voting in favor of the motion.

Respectfully submitted,
Dale Salzberg
Village Clerk